

REFERENCE TITLE: surface water forfeiture; repeal

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HB 2476

Introduced by
Representative Bowers

AN ACT

AMENDING SECTION 45-141, ARIZONA REVISED STATUTES; REPEALING SECTIONS 45-188 AND 45-189, ARIZONA REVISED STATUTES; RELATING TO WATERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 45-141, Arizona Revised Statutes, is amended to
3 read:

4 45-141. Public nature of waters of the state; beneficial use

5 A. The waters of all sources, flowing in streams, canyons, ravines
6 or other natural channels, or in definite underground channels, whether
7 perennial or intermittent, flood, waste or surplus water, and of lakes,
8 ponds and springs on the surface, belong to the public and are subject to
9 appropriation and beneficial use as provided in this chapter.

10 B. Beneficial use shall be the basis, measure and limit to the use
11 of water. An appropriator of water is entitled to beneficially use all of
12 the water appropriated on less than all of the land to which the water
13 right is appurtenant, ~~and this beneficial use of the water appropriated~~
14 ~~does not result in the abandonment or forfeiture of all or any portion of~~
15 ~~the right.~~

16 ~~C. Except as otherwise provided in this title or in title 48, when~~
17 ~~the owner of a right to the use of water ceases or fails to use the water~~
18 ~~appropriated for five successive years, the right to the use shall cease,~~
19 ~~and the water shall revert to the public and shall again be subject to~~
20 ~~appropriation. This subsection or any other statutory forfeiture by nonuse~~
21 ~~shall not apply to a water right initiated before June 12, 1919.~~

22 ~~D. Underground water storage, pursuant to chapter 3.1 of this~~
23 ~~title, for future beneficial use of waters appropriated pursuant to this~~
24 ~~chapter does not constitute an abandonment or forfeiture.~~

25 ~~E. The following water exchange arrangements or substitutions do~~
26 ~~not constitute an abandonment or forfeiture of all or any portion of a~~
27 ~~right to use surface water:~~

28 ~~1. Exchanging surface water for groundwater, effluent, Colorado~~
29 ~~river water, including water delivered through the central Arizona~~
30 ~~project, or another source of surface water pursuant to chapter 4 of this~~
31 ~~title.~~

32 ~~2. Substituting groundwater, effluent, Colorado river water,~~
33 ~~including water delivered through the central Arizona project, or another~~
34 ~~source of surface water for surface water.~~

35 Sec. 2. Repeal

36 Sections 45-188 and 45-189, Arizona Revised Statutes, are repealed.